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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,140	04/01/2004	Hideyuki Shimizu	450100-05009	2493

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EXAMINER

AMIN, JWALANT B

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,140	Applicant(s) SHIMIZU, HIDEYUKI	
	Examiner Jwalant Amin	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/1/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
2. This application contains claims directed to the following patentably distinct species:
 - I. Species of Fig. 3 that illustrate a display picture surface as an array of $m \times n$ reduced-size pictures.
 - II. Species of Fig. 7 that illustrate a picture rotated a predetermined amount of rotation about an optional point.
 - III. Species of Fig. 13 that illustrate a picture obtained on applying a fragmented tube-like rotation effect.
 - IV. Species of Fig. 19 that illustrate a picture obtained on applying a triangular mosaic effect.
3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.
4. Should applicant traverse on ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior

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art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. During a telephone conversation with Mr. William Frommer on March 8, 2006 a provisional election was made with traverse to prosecute the invention of species of Fig. 19, claims 21-29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

7. The abstract of the disclosure is objected to because it does not represent the elected species of invention. Please amend the abstract so as to represent the elected species of invention.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 21-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claims 21, 24, 26 and 28, the language "same picture signals will be output in each of a plurality of triangular areas" means that the picture signals will be outputted on every triangle which is inconsistent with Fig. 19 of the disclosure. For purpose of prior art rejection, the examiner interprets the claim as the picture signals will be output to the corresponding triangular areas.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 21-22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi et al. (US Patent No. 6,091,423; hereinafter referred to as Shiraishi) in view of Multimedia Builder (Multimedia Builder by Media Chance, <http://mmb.mediachance.com/newfeatures/Effects/tweaks.htm>, Copyright year: 2000).

13. Regarding claim 21, Shiraishi teaches a special effect device in which picture signals are read out from a frame buffer based on an address signal to impart a desired special effect to the picture signals read out from said frame buffer (col. 1 lines 9-11 and lines 44-45; image transformation system corresponds to special effect device; video signals corresponds to picture signals memory corresponds to frame buffer), said special effect device comprising address signal generating means for generating a readout address signal of said picture signals stored in said frame buffer (col. 2 lines 59-61; image data corresponds to picture signals; frame memory corresponds to frame buffer). Shiraishi teaches to transform images to give a kaleidoscope effect by reflecting the image at a specified angle from the center of the image (col. 3 lines 3-6; reflecting an original image to a transformed image uses the same picture signals, but in different address).

Shiraishi teaches all of the claimed limitations as stated above, except that the same picture signals will be output in each of a plurality of triangular areas of a preset size fractionated from said picture signals stored in said frame buffer. However, Multimedia Builder teaches that an original image can be transformed into an enhanced image by applying special effects like triangular mosaic, such that the same picture signals from the original image will be output into the corresponding plurality of

triangular areas (from the figure of Triangular Mosaic effect on page 3, it is clear that the triangular areas are of a predetermined size which corresponds to the preset size).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use the special effects as taught by Multimedia Builder into the image transformation system of Shiraishi to produce enhanced images with triangular mosaic special effect, because users can use such modified images to enhance the images for web pages, web banners and advertisement (page 2 lines 3-8).

14. Regarding claim 22, Shiraishi teaches totality of picture signals (picture signals of the whole image) output in each triangular area will be preset picture signals of the same sort (Fig. 2A, col. 3 lines 3-6; original image corresponds to preset picture signals; each triangle reflecting the same original image corresponds to totality of picture signals output in each triangular area are of same sort).

Multimedia Builder also teaches that the totality of picture signals output in each triangular area is the same color as picture signals in the original image (figure of Triangular Mosaic effect on page 3).

15. Regarding claim 24, in addition to the statements presented above for claim 21, Shiraishi teaches a special effect processing system for providing special effects to video signal (col. 1 lines 10-11; special effect processing system corresponds to address signal generating device).

16. Regarding claim 25, the statements presented above with respect to claims 24 and 22 are incorporated herein.

17. Regarding claim 26, in addition to the statements presented above for claim 21, Shiraishi teaches a special effect processing system performing special effecting process to give special effects to video signal (col. 1 lines 9-11; special effect processing system performing special effecting process corresponds to address signal generating method).

18. Regarding claim 27, the statements presented above with respect to claims 26 and 22 are incorporated herein.

19. Regarding claim 28, the statements presented above for claim 21 are incorporated herein.

Shiraishi teaches all of the claimed limitations as stated above, except that the address signal generating process is executed by an address signal generating program. Shiraishi teaches to execute the process using a dedicated hardware system. However, Multimedia builder teaches to use software to perform special effects (pg. 1 Multimedia builder corresponds to a computer program). Therefore, it would have been obvious to one of ordinary skill in art at the time of present invention to use a computer software program as taught by Multimedia builder to create special effects as taught by Shiraishi because a software program is portable and thus it could be used to create special effects in a computer system without a dedicated hardware.

20. Regarding claim 29, the statements presented above with respect to claims 28 and 22 are incorporated herein.

Allowable Subject Matter

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21. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show the equations as taught by the claim 23.

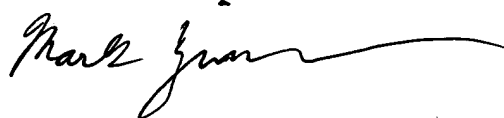
23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jwalant Amin whose telephone number is 571-272-2455. The examiner can normally be reached on Monday - Friday 9:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 571-272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.A.

3/14/06



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